

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

VICTORIA JEFFORDS, as Administrator)
of the Estate of DONALD JEFFORDS,)
Plaintiff,)
v.) CAUSE NO.: 2:15-CV-55-TLS-JEM
BP PRODUCTS NORTH AMERICA)
INC., *et al.*,)
Defendants.)

OPINION AND ORDER

This matter is before the Court on Plaintiff's Motion for Extension of Time to Respond to Responsive Motions Filed By Defendants as Document Numbers 141, 142, 143, 144, 145, 147, and 148 [DE 149], filed by Plaintiff on January 17, 2018. Plaintiff requests an extension of time to respond to eight briefs and motions that were filed by various Defendants at Docket Entries 141 through 148, inclusive. On January 18, 2018, Defendants BP Products North America, Inc. and MC Industrial Inc. filed a response.

Plaintiff argues that she needs more time to respond to the eight documents, which were all filed the same day. The Responding Defendants consent to the extension with respect to five of the items, but argue that Plaintiffs should not be granted leave to file responses to the Defendants' Replies at Docket Entries 141, 144, and 145, because any such briefing would constitute a sur-reply.

There is no provision in the Local Rules for a sur-reply or other additional briefing. A party may file a sur-reply only by leave of the Court, which requires "the showing of some factor that justifies a deviation from the rule." *Brunker v. Schwan's Home Serv., Inc.*, No. 2:04-CV-478, 2006 WL 3827046, *2 (N.D. Ind. Dec. 27, 2006) (citations omitted); *see also Goltz v. Univ. of Notre Dame du Lac*, 177 F.R.D. 638, 641-42 (N.D. Ind. 1997). Plaintiff has provided no reason why the

circumstances in this case justify submission of any sur-replies.

Accordingly, the Court **GRANTS in part** Plaintiff's Motion for Extension of Time to Respond to Responsive Motions Filed By Defendants as Document Numbers 141, 142, 143, 144, 145, 147, and 148 [DE 149]. The deadline for Plaintiff to respond to the motions at Docket Entries 142, 146, and 148 is extended to **February 9, 2018**. The deadline for Plaintiff to reply to the briefs at Docket Entries 143 and 147 is extended to **February 9, 2018**. The Court **DENIES** Plaintiff's request with respect to the replies at Docket Entries 141, 144, and 145.

SO ORDERED this 23rd day of January, 2018.

s/ John E. Martin

MAGISTRATE JUDGE JOHN E. MARTIN
UNITED STATES MAGISTRATE JUDGE

cc: All counsel of record